

UNITED STATES BANKRUPTCY COURT

District of New Jersey

Caption in Compliance with D.N.J. LBR 9004-1(b)

Albert Russo
Cn 4853
Trenton, NJ 08650
(609) 587-6888

In re:

Darryl B. Monticello

Debtor(s)



Order Filed on December 27, 2016
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 16-25565 / KCF

Hearing Date: 12/14/2016

Judge: Kathryn C. Ferguson

Chapter: 13

AMENDED ORDER CONFIRMING CHAPTER 13 PLAN

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: December 27, 2016

A handwritten signature in black ink, appearing to read "Kathryn C. Ferguson".

Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

The plan of the debtor having been proposed to creditors, and a hearing having been held on the confirmation of such plan, and it appearing that the applicable provisions of the Bankruptcy Code have been complied with; and for good cause shown, it is

ORDERED that the plan of the above named debtor, dated 08/12/2016, or the last amended plan of the debtor be and it is hereby confirmed. The Standing Trustee shall make payments in accordance with 11 U.S.C. § 1326 with funds received from the debtor.

ORDERED that the plan of the debtor is confirmed to pay the Standing Trustee for a period of 36 months.

ORDERED that the debtor shall pay the Standing Trustee, Albert Russo, based upon the following schedule, which payments shall include commission and expenses of the Standing Trustee in accordance with 28 U.S.C. § 586:

\$400.00 for 4 months beginning 09/01/2016

\$406.00 for 32 months beginning 01/01/2017

ORDERED that the case is confirmed with a calculated plan funding of \$14,592.00. General unsecured creditors are scheduled to receive a pro-rata dividend of funds available.

ORDERED that the Standing Trustee shall be authorized to submit, ex parte, an Amended Confirming Order, if required, subsequent to the passage of the claims bar date(s) provided under Fed. R. Bank. P. 3002.

ORDERED that the debtor's attorney be and hereby is allowed a fee pursuant to the filed 2016(b) Statement. Any unpaid balance of the allowed fee shall be paid to said attorney through the Chapter 13 plan by the Standing Trustee.

ORDERED that if the debtor should fail to make plan payments or fail to comply with other plan provisions for a period of more than 30 days, the Standing Trustee may file, with the Court and serve upon the Debtor and Debtor's Counsel, a Certification of Non-Receipt of Payment and request that the debtor's case be dismissed. The debtor shall have fourteen (14) days within which to file with the Court and serve upon the Trustee a written objection to such Certification.

ORDERED that upon completion of the plan, affected secured creditors shall take all steps necessary to remove of record any lien or portion of any lien discharged.

ORDERED that the Standing Trustee is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. § 1305(a).

ORDERED that section(s) 4(b) and 7(a) is stricken from the Chapter 13 Plan.

ORDERED that the debtor(s) must obtain a loan modification by June 1, 2017 or as extended by Loss Mitigation Order.

- Creditor Bank of America, PACER claim #6-1, will be paid through the Chapter 13 Plan until an Amended Proof of Claim is filed.

ORDERED that the claim of Ally Capital, court claim #4-1, will be paid as if in the plan, and the Trustee is authorized to pay such claim.

ORDERED as follows:

Motions to avoid the liens of Beaton Bros Flooring and Four Seasons Insulation shall be filed by January 25, 2017.

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
Darryl B. Monticello
Debtor

Case No. 16-25565-KCF
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Dec 27, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 29, 2016.

db Darryl B. Monticello, 419 Arbutus Dr, Point Pleasant Beach, NJ 08742-3102

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 29, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 27, 2016 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
SOLELY AS TRUSTEE HEREBY AND NOT IN ITS INDIVIDUAL CAPACITY FOR THE BENEFIT OF THE
CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICAT dcarlon@kmllawgroup.com,
bkgroup@kmllawgroup.com
Marc C. Capone on behalf of Debtor Darryl B. Monticello mcapone@caponeandkeefe.com,
docs@caponeandkeefe.com

TOTAL: 3